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In re application of
Debasish Mukhopahyay
Serial No. 09/243,237
Filed: February 02, 1999
For: HIGH PURITY WATER PRODUCED BY REVERSE OSMOSIS

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a), filed February 15, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed on February 10, 2005, for failure to timely file a proper reply to the Office letter mailed October 23, 2003 (It is noted that Applicant is correct in that the action was mailed October 23, 2003 contrary to the Notice of Abandonment wherein the date was incorrectly stated as October 23, 2002) be withdrawn since applicants did timely file a Reply Brief and Request for Oral Hearing as indicated in the Express Mail Label, and further evidenced by a copy of the Return Postcard identifying the papers filed (all sent via Express Mail Label No. EVR726555956US), and showing the USPTO receipt stamp dated December 22, 2003. (A copy of the reply is attached to the instant petition as well as a copy of the USPTO date stamped postcard receipt.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed on December 22, 2003 as evidenced by the Express Mail Label and stamped Return Postcard. A review of the PTO's financial records also indicate a fee was charged for the Request for Oral Hearing on December 22, 2003 and as evidenced by the copy of cancelled check #5008. Accordingly, any holding of abandonment for failure to timely file a proper reply to the Office letter mailed October 23, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed on December 22, 2003 as indicated by applicant.

The Petition is GRANTED.

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